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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,246	12/10/2001	Yukako Nii	1035-357	9946

23117 7590 11/13/2006

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EXAMINER
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TRUONG, LAN DAI T

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/006,246

Applicant(s)

NII ET AL.

Examiner

Lan-Dai Thi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is response to communications: application, filed 12/10/2001; amendment filed 10/06/2006. Claims 1-35 are pending.

#### **Response to Arguments**

Regarding to Applicant's arguments to claim 19 with respect to the Murphy does not disclose portable communication terminal are persuasive. The previous rejection is withdrawn

Since the prosecution is reopened, all other arguments are moot in view of the new ground(s) of rejection

#### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-2, 10, 12-22, 28 and 32-35 are rejected under 35 U.S.C 103(a) as being unpatentable over Murphy (U.S. 6,232,874) in view of Tsuchihashi (U.S. 6,664,899)**

#### **Regarding to claim 12:**

Murphy discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for Preamble comprising:

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An inside-vehicle information communication apparatus which is provided in a vehicle: Murphy discloses a invention relates to controlling of use of vehicle by a vehicle operator: (column 2, lines 30-39)

An electric device processed by a passenger of the vehicle: Murphy discloses “a token” which is equivalent to “an electric device”. The token is presented by “vehicle user” who is equivalent to “a passenger of vehicle” to vehicle analysis mechanism in order to provide token holder’s personal information: (abstract, lines 1-12; column 14, lines 48-56; column 2, lines 29-29; column 6, lines 60-67; column 7, lines 1-32)

A communication section for transmitting information to and receiving information from the electric device: Murphy discloses “transmitter/ receivers” which is equivalent to “communication section:” figure 6, item 189/ 182; abstract, lines 1-12; column 2, lines 29-29; column 6, lines 60-67; column 7, lines 1-32)

Outputting a request for electronic ticket to the electric device possessed by the user, upon receipt of a request for connection from the electric device: Murphy discloses after engine activated the driver is requested “indicium sample” which is equivalent to “electronic ticket” response to “command” which is equivalent to “request”: (figure 2, items 31, 33, 35, 37; abstract, lines 1-12; column 2, lines 24-67; column 3, lines 1-9; column 6, lines 60-67; column 7, lines 1-32)

Receiving the electronic ticket information via the communication section: Murphy discloses “driver identification” which is equivalent to “the electronic ticket information” is provided in order to get authorizations/ rights of using vehicle: (figure 2; abstract, lines 1-12; column 2, lines 24-67; column 3, lines 1-9; column 6, lines 60-67; column 7, lines 1-32)

Allowing an electric device to be connected to the inside-vehicle information communication apparatus to enable communication there-between in the vehicle if the managing section confirms that the passenger has the right to use the vehicle: Murphy discloses method of using received driver identification to determine if the driver has right to use vehicle. When the received driver identification is satisfactorily presented analyzed, the system allows operation of the vehicle: (abstract, lines 1-12; column 2, lines 24-67; column 3, lines 1-9; column 6, lines 60-67; column 7, lines 1-32)

A memory section for saving vehicle using right information and private information: Murphy discloses controller includes memory/database for storing identification of authorized drivers: (figure 6, items 179, 180; column 14, lines 60-67; column 15, lines 11-34; abstract, lines 1-12; column 2, lines 24-67; column 3, lines 1-9; column 6, lines 60-67)

However, Murphy does not disclose confirming whether the passenger has the right to use the vehicle; including a controlling section for controlling the radio section and the memory section in the electric device

As applicant's discloses radio section used for transmitting information purpose, see (specification: page 11, lines 15-19). In analogous art, Tsuchihashi discloses a wireless control apparatus for vehicle which includes portable unit. The portable provides the ID code to control apparatus body built in vehicle via radio wave: (abstract; column 1, lines 30-45)

Also Tsuchihashi discloses method of sending confirmation signal: (column 16, lines 1-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tsuchihashi's ideas of transmitting ID code form portable unit to

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control apparatus body via radio wave with Murphy's system in order to keep internal power source last for a long period of time without being replaced, see (Tsuchihashi: column 2, lines 1-20)

**Regarding to claims 1-2, 16-17 and 32-35:**

Murphy- Tsuchihashi discloses a method as discuss in claim 12, which further includes a server: Murphy discloses "an apparatus 170" which shares functionality with "a server": (figure 6; column 13, 29-67; column 13, 1-67)

**Regarding to claim 10:**

Murphy- Tsuchihashi discloses a method as discuss in claim 12, which further includes a communication section: Murphy discloses an apparatus 170 includes "a transmitter/receivers" which is equivalent to "communication section": (figure 6, item 189; column 13, 29-67; column 13, 1-67)

**Regarding to claims 13-14:**

Murphy- Tsuchihashi discloses a method as discuss in claim 12, which further includes a vehicle for carrying passengers: Murphy discloses "drivers" which is equivalent to "users": (abstract, lines 1-12; column 2, lines 24-67; column 3, lines 1-9; column 6, lines 60-67; column 7, lines 1-32)

**Regarding to claims 18:**

Murphy- Tsuchihashi discloses a method as discuss in claim 12, which further includes enabling information communication between a server and information communication terminal based on checking of using condition

In specification, pages 44 and 45, Applicant discloses using conditions stored in vehicle net ticket. In analogous art, Murphy discloses “driver identification” which is equivalent to “using condition” stored in “token” which is equivalent to “vehicle net ticket”. The received driver identification is then used to compare with stored authorized driver identifications to determine if the driver has right to use the vehicle: (abstract, lines 1-12; column 14, lines 48-56; column 2, lines 29-29; column 6, lines 60-67; column 7, lines 1-32)

**Regarding to claims 19 and 28:**

Murphy- Tsuchihashi discloses a method as discuss in claim 12, which is further includes External communication section for performing the information communication with an information communication apparatus outside the vehicle: Murphy discloses “a telecommunication module” which is equivalent to “external communication section”: (figure 6, items 185; column 14, lines 25-47)

Memory section for storing identification information: Murphy discloses “a database” which is equivalent to “memory section”: (figure 2A; figure 6; column 5, lines 15-31; abstract, lines 1-12; column 2, lines 24-67; column 3, lines 1-9; column 6, lines 60-67; column 7, lines 1-32)

Communication performed between the information communication apparatus and the portable communication terminal: Tsuchihashi discloses communications between “a portable unit” which is equivalent to “portable communication terminal” and “a control apparatus body” which is equivalent to “information communication apparatus:” (abstract; column 1, lines 30-45)

**Regarding to claims 15 and 20-22:**

Those claims are rejected under rationale of claim 19

**Claims 3-9, 23- 24, 11 and 30-31, are rejected under 35 U.S.C 103(a) as being un-patentable over Murphy- Tsuchihashi in view of Obradovich (U.S. 6,275,231)**

**Regarding to claim 31**

Murphy- Tsuchihashi discloses a method as discuss in claim 12, but does not explicitly teach information communication between server and an information communication terminal based on checking of using conditions

In analogous art, Obradovich discloses information communications between “a processor” which is equivalent to “a server” and “controls window/master interface” which is equivalent to “information communication terminal” due to control vehicle accessories based on authorizing “user’s input PINs security levels” which is equivalent to “using conditions”: (column 11, lines 11-67; column 12, lines 1-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Obradovich ideas of enabling information communication between processor and controls window based on authorizing user input such as PIN/ security levels due to control vehicle accessories with Murphy- Tsuchihashi’s system in order to a smart on-board control system: (column 1, lines 60-67)

**Regarding to claims 3-4:**

Murphy- Tsuchihashi discloses a method as discuss in claim 2, but does not explicitly discloses the server specify individual information, which is to be given to each of the electronic devices allowed to be connected to the server, in accordance with the electronic ticket information received from the electronic devices and transportations information concerning transportation of the vehicle that is stored in the server



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In analogous art, Obradovich discloses information communications between “a processor” which is equivalent to “a server” and “controls window/master interface” which is equivalent to “information communication terminal” due to control vehicle accessories based on authorizing “user’s input PINs security levels” which is equivalent to “using conditions”:

(column 11, lines 11-67; column 12, lines 1-67)

**Regarding to claim 8:**

This claim is rejected under rationale of claim 3

**Regarding to claims 11, 23- 24 and 30:**

This claim is rejected under rationale of claim 31

**Regarding to claims 5-7 and 9:**

Murphy- Tsuchihashi discloses the invention substantially as disclosed in claim 3, but does not explicitly teach causing the server, provided in the vehicle, to specify a time and/or geographical range, in which the server can be used, with respect to each of the electric devices allowed to be connected to the server, in accordance with the vehicle using right information that have been inputted and the transportation information concerning the transportation of the vehicle that is stored in the server; and performing a specific process with respect to the electric device, when the electric device is to be away from the time and/or geographical range in which the server can be used: (Murphy: abstract, lines 14-19)

**Claim 27 is rejected under 35 U.S.C 103(a) as being un-patentable over Murphy-Tsuchihashi in view of Joao (U.S. 6,549,130)**

**Regarding to claim 27:**

Murphy- Tsuchihashi discloses a method as discuss in claim 19, but does not explicitly discloses switching means for cutting off a connection between the portable communication terminal and the server so as to reconnect said portable communication terminal to another portable communication terminal, wherein said switching means cuts off the connection between the portable communication terminal and the server, after the information communication performed between the server and the portable communication terminal is finished, and reconnects said portable communication terminal to another portable communication terminal, see (Joao discloses the command codes can be disable and then re-enable or reset: column 6, lines 37-47)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Joao's ideas of re-enable or reset with Murphy- Tsuchihashi's system in order to provide secure vehicle control system, see (Joao: column 6, lines 37-47)

**Claims 25-26, 29 are rejected under 35 U.S.C 103(a) as being un-patentable over Murphy- Tsuchihashi in view of Fuku et al. (U.S. 6,868,170)**

**Regarding to claims 25-26 and 29:**

Murphy- Tsuchihashi discloses the invention substantially as disclosed in claims 18 and 19, but does not explicitly teach wherein said server includes deleting means for deleting information, and the deleting means deletes information, that has been processed by the information communication terminal, after the information communication, performed between the server and the information communication terminal, is finished: see (Fuku: column 2, lines 45-67)

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Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fuku's ideas of deleting the fingerprint information in the storage unit with Murphy- Tsuchihashi's system in order to save memory

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to " Inside-vehicle information communication method, inside-vehicle information communication apparatus, inside-vehicle information communication system, inside-vehicle information communication program, inside-vehicle information communication network, and Information recording medium issuing apparatus:" 700,476; EP 0/637/528A1; 5,465,079; 6,552,649

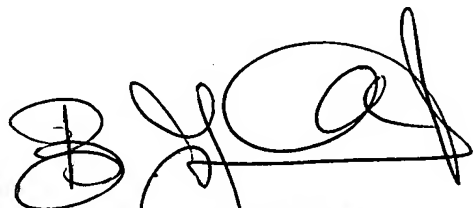
### **Conclusions**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/06/2006



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SUPERVISORY PATENT EXAMINER